

REMARKS/ARGUMENTS

Claims 1-30 are pending in the present application. Claims 1, 12, 22, and 27 are independent claims. Claims 1-5, 7, 9, 11-17, 19-22, and 27 have been amended.

The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and Remarks as set forth hereinbelow.

Claim Amendments

Applicants respectfully submit that the amendments to claims 1-5, 7, 9, 11-17, and 19-21 do not materially change the scope of the claims.

Further, none of the amendments to claims 1-4, 7, 11, 13, 16, 17, 19, and 21 were made for any reason other than to clarify the language of the claims. Thus, Applicants respectfully submit that these claim amendments were not made for a reason related to patentability. Since these claim amendments do not narrow the claims, and were not made for any reason of patentability, the amendments to claims 1-4, 7, 11, 13, 16, 17, 19, and 21 no prosecution history estoppel.

Also, various clarifying amendments to claims 9, 12, and 14, which are not related to the 35 USC § 112 rejection of these claims. Applicants respectfully submit that these clarifying

amendments were not made for a reason related to patentability. Since these amendments are not narrowing and were not made for a reason of patentability, Applicants submit that they do not give rise to prosecution history estoppel.

As to the amendments of claims 5, 9, 12, 14, 15, and 20 in response to the § 112 rejections, Applicants respectfully submit that these amendments should not be interpreted as a concession of the validity of these rejections. Rather, these amendments have been made in an effort to expedite prosecution. Also, Applicants submit that these claims do not narrow the scope of the claims.

Applicants respectfully submit that the amendments to independent claims 22 and 27 raise no new matter and are fully supported by the original disclosure, *inter alia*, in claim 1 and page 11, lines 1-30, of the specification.

Allowable Subject Matter

Applicants gratefully acknowledge the allowance of claims 1-4, 7, 8, 10, and 11. Further, it is gratefully acknowledged that the Examiner has considers the subject matter of claims 5, 6, 9, and 13-21 as being allowable if rewritten to overcome the 35 U.S.C. § 112 rejections.

Rejection Under 35 U.S.C. § 112

Claims 5, 6, 9, and 12-21 stand rejected under 35 USC 112, second paragraph, as being indefinite. Specifically, the Examiner asserts that these claims include various features having insufficient antecedent basis.

Applicants respectfully submit that in view of the above claim amendments, each feature recited in claims 5, 6, 9, and 12-21 now have sufficient antecedent basis. Accordingly, withdrawal of these rejections is respectfully requested.

Rejection Under 35 U.S.C. § 103

Claims 22-30 stand rejected under 35 USC 103 as being unpatentable over U.S. Patent No. 5,764,693 to Taylor et al. (hereinafter "Taylor") in view of U.S. Patent No. 6,018,644 to Minarik (hereinafter "Minarik"). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

M.P.E.P. § 2143.03 sets forth the following requirements for a proper rejection under 35 U.S.C. § 103:

"To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)."

As amended, independent claims 22 and 27 each recites generating N signals, each of which simulates a radiofrequency signal received by a corresponding one of N intelligent antennas of a receiver, and applying the N signals to N inputs of the receiver which bypass the antennas. Applicant respectfully submits that the cited prior art fails to teach or suggest these features.

Taylor discloses a wireless radio modem including a transmitter unit and receiver unit connected to a switch in order to share a single antenna.

Minarik discloses an interface unit allowing one or more transmitters and one or more receivers to utilize a single antenna. Minarik teaches alternative embodiments. In one embodiment, Minarik's interface unit connects multiple transmitters and receivers to a single antenna (as shown in Figs. 5-7). In another embodiment, Minarik's interface unit includes an antenna switch allowing each of the transmitters and receivers to utilize one of a plurality of connected antennas (Fig. 8, column 13).

Applicant respectfully submits that neither Taylor nor Minarik teaches generating test signals to determine a receiver's behavior with regard to multiple antennas. Accordingly, the combination of Taylor and Minarik fails to

teach or suggest applying a signal to a receiver, which bypasses the receiver's antenna and simulates a radiofrequency signal received by the bypassed antenna.

Applicant respectfully submits that independent claims 22 and 27 are allowable at least by virtue of the fact that the prior art fails to teach or suggest each feature recited in these claims. Further, Applicant respectfully submits that claims 23-26 and 28-30 are allowable at least by virtue of their dependency on claims 22 and 27.

Finality of Office Action Improper

In the present Office Action, the Examiner has newly rejected claims 5, 6, 9, and 12-21 under 35 USC § 112, second paragraph. Applicants respectfully submit that these rejections were not necessitated by any claim amendment made by Applicants in the Reply of October 1, 2003. Rather, these grounds of rejection should have been raised in the previous Office Action of July 2, 2003. Accordingly, Applicants respectfully submit that the finality of this Office Action is improper, and accordingly, that this Amendment should be entered and considered.

Conclusion

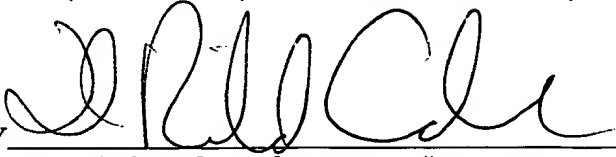
Entry of the Amendment After Final is respectfully requested. In view of the above amendments and remarks, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of (703) 205-8000 to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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